

SENATE BILL 2022  
By Fowler

AN ACT to amend Chapter 248 of the Private Acts of 1967-68, and any acts amendatory thereto, relative to the Hamilton County Nursing Home, known as the William L. Bork Memorial Hospital.

WHEREAS, health care is changing rapidly across the country and Hamilton County must maintain the flexibility and authority to preserve the longstanding record of service at the Hamilton County Nursing Home; and

WHEREAS, there is a need to broaden the narrow confines of the present Act and grant the county legislative body the power to choose which method of operation and management of the Hamilton County Nursing Home will best meet the current needs of the citizens. Unless changed by the county legislative body, the operation of the Nursing Home under the Board of Trustees, as presently constituted, will continue. By a two-thirds vote, the county legislative body may vest the powers of management and supervision in a department of Hamilton County general government or contract with a public and/or private entity for the management of the Hamilton County Nursing Home; and

WHEREAS, the selection of a method for the management of the Hamilton County Nursing Home may change over time; there needs to be a method whereby the county legislative body may reassess its previous decision and make a determination based on current needs. This redetermination would require a two-thirds vote of the county legislative body before any change could take effect.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**\*51662409\***

51662409

**\*007141\***

\*00714157\*

SECTION 1. Chapter No. 248 of the Private Acts of 1967-68, and any acts amendatory thereto is hereby amended by deleting the words "Hamilton County Council" and substituting "Hamilton County legislative body" and deleting the words "County Council" and substituting "county legislative body" wherever these words appear in the Act.

SECTION 2. Section 1 of Chapter No. 248 of the Private Acts of 1967-68, and any acts amendatory thereto, is hereby amended by deleting the words and figures "The Board of Trustees shall be appointed and selected by a majority vote of the Hamilton County Council, two (2) of whom shall serve for one (1) year, two (2) of whom shall serve for two (2) years, two (2) of whom shall serve for three (3) years, and one (1) who shall serve for four (4) years. Thereafter upon the expiration of the terms as set forth above, all appointments shall be made by the Hamilton County Council for a term of four (4) years, with the exception of appointments made for unexpired terms where a vacancy is caused by death, resignation or removal." and substituting the following words and figure "The Board of Trustees shall be appointed by the county executive and confirmed by the county legislative body. All appointments shall be made by the county executive for terms of four (4) years, with the exception of appointments made for unexpired terms where a vacancy is caused by death, resignation or removal. The Board of Trustees is subject to termination pursuant to the provisions of this act."

SECTION 3. Chapter No. 248 of the Private Acts of 1967-68, and any acts amendatory thereto, is amended by adding a new Section 5 and renumbering the following sections accordingly:

Section 5. (a) The county legislative body of Hamilton County may by a two-thirds (2/3) vote terminate the Board of Trustees and elect one of the following alternate methods of operation and control of the Hamilton County Nursing Home:

(1) The exclusive management, supervision and control may be vested in Hamilton County general government. The division will be designated by the County Executive and approved by the county legislative body and all powers

previously vested in the Board of Trustees is hereby vested in Hamilton County general government; or

(2) That the county legislative body may enter into a contractual agreement with a public and/or private entity for the exclusive management, supervision and control of the Hamilton County Nursing Home. The authority granted to said entity shall include the management, supervision and control of all properties, personnel and the entire operations pertaining to the Hamilton County Nursing Home, including, but not limited to, the right to designate such portions of said properties to be used for the various operations as needed, and to lease, with the approval of the county legislative body, any part or all of the said facilities to any responsible individual, firm, association, trustee, or corporation organized for the public welfare or for profit, or otherwise.

(b) That subsequent to the adoption of this Act, the county legislative body may by a two-thirds (2/3) vote elect either of the options in subsection (a) of this section and, thereafter, the county legislative body is further empowered by a two-thirds (2/3) vote to terminate the then current management option and transfer all power and control of the Hamilton County Nursing Home to:

- (1) the Board of Trustees;
- (2) a department of Hamilton County General Government; or
- (3) a public and/or private entity by contractual agreement, as set forth by this Act.

However, the county legislative body may not terminate the Board of Trustees and immediately transfer all power to a new Board of Trustees.

(c) In the event the county legislative body elects to operate the Hamilton County Nursing Home either by a department of Hamilton County General Government or a public and/or private entity by contractual agreement, then such department or private entity is authorized to exercise all powers granted to the Board of Trustees by Section 3.

(d) In the event that the county legislative body terminates the Board of Trustees and contracts with a private entity or operates the Hamilton County Nursing Home through a department of Hamilton County General Government and subsequently the county legislative body elects to return to management by means of the Board of Trustees, then the Board shall be selected as provided in Section 1.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hamilton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Hamilton County legislative body and certified by him to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provision of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.